

**County Counsel**  
Marshall Rudolph

**Assistant County Counsel**  
Stacey Simon

**Deputy County Counsels**  
Tara McKenzie  
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**OFFICE OF THE  
COUNTY COUNSEL**

*Mono County*  
South County Offices  
P.O. BOX 2415  
MAMMOTH LAKES, CALIFORNIA 93546

**Telephone**  
760-924-1700  
**Facsimile**  
760-924-1701

**Legal Assistant**  
Michelle Robinson

January 7, 2013

Mike Curti  
Antelope Valley Fire District  
1166 Larson Lane  
Coleville, CA 96107

**Re: U.S. v. Walker River Irrigation District; C-125-ECR, Subfile No. C-125-B**

Dear Mike:

In accordance with our discussion today, enclosed is a copy of the Waiver of Service of Notice in Lieu of Summons and the Disclaimer of Interest of Water Rights, completed in accordance with your instructions. The Disclaimer of Interest notes that the District's property is not adjacent to or bisected by (i.e., riparian to) the Walker River or its tributaries, but that it merely abuts an irrigation ditch, as you indicated.

These documents have been sent in accordance with the instructions provided in the service package, to the Department of Justice (both the Waiver and the Disclaimer) and the Nevada District Court (the Disclaimer only).

If you need any further assistance, please do not hesitate to contact me.

Sincerely yours,

  
Stacey Simon

COPY

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 1/7/13

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Legal Counsel of

(Title)

Antelope Valley Fire District  
(Corporate, Trust, Partnership or other entity)

## Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

**COPY**

1  
2  
3 **IN THE UNITED STATES DISTRICT COURT**  
4 **FOR THE DISTRICT OF NEVADA**

5 UNITED STATES OF AMERICA, )  
6 )

6 Plaintiff, ) In Equity No. C-125-ECR  
7 ) Subfile No. C-125-B

7 WALKER RIVER PAIUTE TRIBE, )

8 Plaintiff-Intervenor, )

9 v. )

10 WALKER RIVER IRRIGATION )  
11 DISTRICT, )  
12 a corporation, et al., )

13 Defendants. )

**DISCLAIMER OF INTEREST IN  
WATER RIGHTS AND NOTICE OF  
RELATED INFORMATION AND  
DOCUMENTATION SUPPORTING  
DISCLAIMER**

14  
15 The undersigned counter-defendant in the above action hereby notifies the Court and the  
16 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has  
17 no interest in any water right within the categories set forth in Paragraph 3 of the *Case*  
18 *Management Order* (Apr. 18, 2000) and, therefore, **disclaims all interest in this action.**

19 This disclaimer and notice shall be sent to the following two persons:

20  
21 Linda Lea Sharer, Chief Deputy Clerk  
22 United States District Court for the District of Nevada  
23 400 South Virginia Street, Suite 301  
24 Reno, NV 89501

24 And

25 Susan L. Schneider  
26 ~~United States Department of Justice~~ 999 18th Street  
27 ~~P.O. Box 756~~ South Terrace - Suite 370  
28 ~~Littleton, CO 80160~~ Denver, CO 80202

In addition, because the undersigned sold or otherwise conveyed ownership of all of the



1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once  
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of  
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following  
4 additional information:

- 5 1. The name and address of the party or parties who sold or otherwise conveyed  
6 ownership:

7 Name(s):

8  
9 Street or P.O. Box:

10  
11 Town or City:

12  
13 State:

14  
15 Zip Code:

- 16  
17 2. The name and address of each person or entity who acquired ownership

18  
19 Name(s):

20  
21 Street or P.O. Box:

22  
23 Town or City:

24  
25 State:

26  
27 Zip Code:

The Fire District's  
property is  
not riparian.  
An irrigation  
ditch only  
  
Crosses  
the property.

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3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☐ Deed
- ☐ Court Order
- ☐ Other Document.

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 7 day of January 2013.

[signature of counter-defendant]

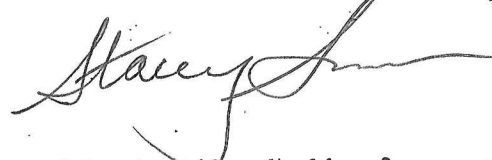
Antelope Valley Fire District

[name of counter-defendant]

Stacey Simon  
Asst. County Counsel  
for Mono County

[name, if applicable, of person acting on

behalf of counter-defendant]



[signature, if applicable, of person acting on

behalf of Counter-Defendant]

County:

P.O. Box 2415  
Mammoth Lakes, CA  
93546

Fire District:

1166 Larson Lane  
Coleville, CA 96107

[address]

760-924-1700

530-495-2900

[telephone number]